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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,468	12/20/2005	Robert Alexander Van Eibergen Santhagens	NL030751	8162
24737	7590	09/12/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			DEFRANK, JOSEPH S	
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			3724	
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			09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/561,468	VAN EIBERGEN SANTHAGENS, ROBERT ALEXAND
	<b>Examiner</b>  JOSEPH DEFRANK	<b>Art Unit</b>  3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-20-05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This action is in response to the amendment filed on 6-30-08. Claims 1-12 are pending.

### ***Election/Restrictions***

2. Applicant's election with traverse of group I, claims 1-6, in the reply filed on 6-30-08 is acknowledged. The traversal with respect to the requirement between groups I and II is on the ground(s) that the method of group II cannot be used to create "any type of hardened metal body". This argument is found to be persuasive. Groups I and II will be joined and examined together. However, the traversal with respect to the requirement between groups I and III is on the grounds that the addition of the "bending device" to claim 1 eliminates the possibility that the blade is clearly made by a device. This is not found persuasive because a bending device can be considered a clamp and pliers with which a user manually bends the blade. Further, it is possible to create the blade without providing the blade with a transport path. The blade can be held stationary while the various tools or devices used to construct it are brought to the blade.

The requirement of restriction between group I (and II) and group III is still deemed proper and is therefore made FINAL.

3. Thus, claims 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6-30-08.

4. Examiner notes that claims 1-9 are examined in this application.

***Priority***

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

6. Examiner notes the IDS submitted on 12-20-05. However, Examiner believes there to be a typo. "3,938,259" should be "3,938,250" based on the spec; both were considered.

***Drawings***

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "f" (figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the blade thickness at the bending point being larger than the non-bending area blade thickness (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9.

***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

10. The disclosure is objected to because of the following informalities: There are a couple of lines in the specification that make direct reference to specific claims (page 1 line 3; page 2 lines 11-13). This is objected to as the claims are subject to change in both content and number. Further, headings are not present in the specification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claims 4 and 5 recite the limitation “wherein the razor blade is at least two razor blades” and claim 6 recites the limitation “wherein the razor blade is at least four razor blades”. It is unclear how a single razor blade (the razor blade) becomes multiple razor blades (at least two or at least four). This language is considered indefinite.

#### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emmett (US 4,302,876; as cited in IDS) in view of Guarnaccia et al. (US 4,860,452; hereafter Guarnaccia).

Art Unit: 3724

17. With respect to claim 1, Emmett discloses a razor blade (302) comprising an edge portion with a cutting edge (306), and a further portion, the edge portion being bent relative to the further portion (see figures 7 and 8) in a bending zone (area of the bend) spaced from said cutting edge by a bending device. Emmett does not disclose the blade wherein at least the edge portion has a material structure hardened by a first heat treatment and in that the bending zone has a locally re-heated structure.

Tempering or annealing steel blades to obtain certain levels of hardness are well known in all blade arts. Further, examiner notes that any heat treated blades are considered to be "locally re-heated" as they were once cooled, and reheated. Guarnaccia discloses a razor blade (10) which undergoes a heat treatment process to obtain a harder blade (column 3 lines 25-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the blade of Emmett to be heat treated in view of the teachings of Guarnaccia to obtain a harder blade. It is noted that this is considered locally reheating the blade.

18. With respect to claim 2, Emmet does not disclose specific dimensions for the blade, thus Emmett does not disclose the razor blade wherein the bending zone is less than 1 mm away from the cutting edge. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the blade of Emmett to have the bend be under 1 mm away from the cutting edge, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re*

*Aller*, 105 USPQ 233. Examiner further notes that this is an issue of scale and intended use. The larger the blade is as a whole, the larger the distance is.

19. With respect to claim 3, Emmett discloses the razor blade wherein the razor blade has a blade material thickness, the bending zone having a larger thickness than the blade material thickness. Emmett discloses that the blade is bent by "bending conventionally formed blades at some step in their manufacturing process" (column 6 lines 29-31). Through the laws of conservation of mass, a slight bulge will naturally occur during the bending process as a result of squeezing more material into a tighter place. This is why in the bending art, notching is well known to help facilitate bending as material is not needed to be displaced. Displacing the material during any sort of bend will cause a bulge and thus a larger thickness than the non bent area.

20. With respect to claim 4, Emmet discloses the razor blade wherein the razor blade is at least two razor blades (see figure 8) mounted parallel to each other in a razor head, wherein each razor blade has an edge portion with a cutting edge and a further portion, the edge portion being bent relative to the further portion in a bending zone spaced from said cutting edge, and wherein a spacing is present between the further portions of at least two of said razor blades, wherein the edge portion of at least one of said at least two razor blades is bent towards at least one neighboring one of said at least two razor blades and projects towards said at least one neighboring one of said at least two razor blades over a distance perpendicular to the further blade portion of said razor blade which is smaller than the spacing between the further portions of these at least two of said razor blades.

21. With respect to claim 5, Emmett discloses the razor blade wherein the razor blade is at least two razor blades (see figure 8) mounted parallel to each other in a razor head, each razor blade having an edge portion with a cutting edge and a further portion, the edge portion being bent relative to the further portion in a bending zone spaced from said cutting edge, wherein a spacing is present between the cutting edges of at least two of said razor blades. As noted above, Emmett does not specifically disclose any dimensions in regards to the blade setup. Thus Emmett does not disclose the blade assembly wherein the spacing between successive cutting edges is less than 1.2 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the blade assembly of Emmett to have the successive edges spaced less than 1.2 mm apart, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

22. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emmett in view of Guarnaccia as applied to claim 1 above, and further in view of *Saturday Night Live “Mach 14”* (first aired 5-6-00; episode breakdown provided; hereafter SNL) or Pelizzola (US 1,920,711).

The modified apparatus of Emmett discloses the razor blade wherein the razor blade is at least two razor blades mounted parallel to each other in a razor head, each razor blade having an edge portion with a cutting edge and a further portion, the edge portion being bent relative to the further portion in a bending zone spaced from said cutting edge, wherein a spacing is present between the cutting edges. Emmett does

not disclose the razor blade wherein the cartridge has at least four razor blades.

Examiner notes that the use of one, two, three, four, and five blades on shaver head cartridges is well known in the art.

Episode 483 of NBC's *Saturday Night Live* aired a skit titled "Platinum Mach 14" which features a razor having 14 blades (see provided photo). Pelizzola discloses a razor head having five blades (1-5) in order to shave "more quickly and more regularly, since the hair is cut by the various cutting edges in succession" (column 1 lines 9-11). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the razor head of Emmett to have at least four blades in view of the art of SNL or Pelizzola in order to improve the quality of the cutting experience.

23. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen (US 3,489,589) in view of Emmett and further in view of Clark (US 972,436).

24. With respect to claim 7, Nissen discloses a method of manufacturing a razor blade from a razor blade blank, the method comprising acts of: forming an edge portion (12) of the razor blade blank with a cutting edge and a further portion and hardening the razor blade blank by a heat treatment (10). Nissen does not disclose reheating after hardening of the razor blade blank a portion of the razor blade blank to bend the edge portion of the razor blade blank relative to the further portion of the razor blade blank.

Emmett discloses a razor blade (302) which is bent during the manufacturing process between the edge and the further portion. The bending takes place during the manufacturing process (column 6 lines 29-31). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of

Nissen to include a bending step in the manufacturing process in order to produce blades which are bent in view of the teachings of Emmett to allow the blades to be rinsed better when inserted into the cartridge. Examiner notes that the modified apparatus of Nissen still does not disclose reheating the metal after it has already been hardened. The method of Clark discloses locally reheating an already hardened blade strip in order to soften the material to make it more flexible instead of brittle (lines 94-99). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the process of Nissen to include a local reheating step in the area of the bend in order to prevent the blade from snapping. Examiner notes that the blade is too brittle to bend without reheating.

25. With respect to claim 9, the modified method of Nissen discloses the cutting edge being ground after hardening, but does not disclose the cutting edge being ground before bending. Examiner notes that cutting edges are typically ground after hardening in order to maintain the edge. Further, it is noted that there exists a finite number of positions for the bending of the blade stock to exist. There are four basic steps to the method: heat treating, grinding, bending after the preheating, and sectioning into individual blades. Thus, there are only four possible positions for the preheating and bending steps to take place. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to try bending the blade stock after the cutting edge has already been ground as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. The claim would have been obvious because “a person of ordinary skill has good reason to pursue the known

options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense."

26. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen in view of Emmett and further in view of Clark as applied to claim 7 above, and further in view of Creamer et al. (US 3,224,900; hereafter Creamer).

With respect to claim 8, the modified apparatus of Nissen does not disclose the local heating of the razor blade blank being carried out by use of a laser. Examiner notes that the use of a laser to heat small areas of metals is well known in the art. Also, lasers are used to melt metals for welding. Creamer discloses that it is well known to heat metals using a laser (column 3 paragraph 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified method of Nissen to use lasers to locally reheat the metal instead of heated wheels in view of the teachings of Creamer. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRAK whose telephone number is (571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/  
Primary Examiner, Art Unit 3724

Joseph De Frank  
Examiner  
Art Unit 3724

JD  
9-8-08  
/J. D./  
Examiner, Art Unit 3724